

# Exhibit D

## CITY OF BURIEN, WASHINGTON

### ORDINANCE NO. 827

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#### AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING ORDINANCE 818 (AN ANTI-CAMPING OR ANTI-DWELLING ORDINANCE), PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

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**WHEREAS**, on September 25, 2023, during a regular council meeting, the council adopted Ordinance 818, prohibiting camping or dwelling on Burien property;

**WHEREAS**, while the ordinance has not yet taken effect, discussions concerning implementation have revealed that a few adjustments would enhance Burien and its partners' ability to effectively refer individuals to shelter and, if necessary, enforce the ordinance; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section One.** Section 9.85.150, entitled **Unlawful Public Camping**, of the Burien Municipal Code, is amended as follows.

A. A person is guilty of unlawful public camping if that person uses nonresidential public property, as defined in this section, as a temporary or permanent dwelling, lodging, residence, or living accommodation, at any time between [10]7:00 p.m. and 6:00 a.m., except at places set aside, posted, or not explicitly prohibited [and posted] for such purposes by the Burien City Manager or designee, or by permit issued by the Burien City Manager or designee. Camping, dwelling, lodging, residing, or living on nonresidential public property shall not be permitted in Burien except during the times stated immediately above.

B. For this section, "nonresidential public property" means any street, sidewalk, Burien public park, or any other open area where Burien or another governmental agency has a property interest, including easements. "Nonresidential public property" does not include apartments, houses, or other fixed residential living quarters owned or leased by Burien.

C. Indicia of camping include but are not limited to bedding, cots, sleeping bags, tents or other temporary shelters, personal belongings storage, and cooking equipment use or storage.

D. Unlawful public camping is a misdemeanor.

E. A person is not guilty of unlawful public camping if there is no available overnight shelter when the person is on public property. "Available overnight shelter" means a public or private shelter with available overnight space, open to individuals experiencing homelessness at no charge. If the person cannot utilize an available overnight shelter due to voluntary actions

such as intoxication, drug use, unruly or assaultive behavior, or violation of shelter rules, the overnight shelter space shall still be considered available for this section.

F. The City Manager shall have the permit authority noted above in addition to the emergency authority provided under BMC Chapter 2.75 and any other applicable laws, orders, rules, or equivalents.

G. Given the sensitivity of this matter, the significance and impact of the unhoused, and the need to educate and inform the public, including the unhoused, this ordinance will take effect on November 1, 2023.

**Section Two. Severability.** Should a court of competent jurisdiction find any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining parts of this ordinance or its application to other persons or circumstances.

**Section Three. Edits.** For purposes of this ordinance, additions are underlined, and deletions are stricken with brackets around the deleted language.

**Section Four. Corrections.** The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

**Section Five. Effective Date.** This ordinance shall be published in Burien's official newspaper and take effect on November 1, 2023.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR BUSINESS MEETING THEREOF THIS 2<sup>th</sup> DAY OF OCTOBER 2023.

CITY OF BURIEN



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Sofia Aragon, Mayor

ATTEST/AUTHENTICATED:



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Heather Dumlao, City Clerk

Approved as to form:



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Garmon Newsom II, City Attorney

Filed with the City Clerk: September 27, 2023

Passed by the City Council: October 16, 2023

Ordinance No.: 827

Date of Publication: October 20, 2023